



**City Council Meeting Agenda**  
**Monday, February 19, 2018 - 7 p.m.**  
**101 City Hall Plaza, 1st Floor Council Chambers**

*Please note: Agenda items are current at time of posting. Items may be changed, updated or added after initial posting. To access Agenda-related documents, please click on the underlined [Agenda Item title](#).*



**Call to Order**

**Moment of Silent Meditation**

**Pledge of Allegiance**

**Roll Call**

**Ceremonial Items**

-  Neighborhood Spotlight Recipient - Recognition of Vicky Clay
-  Girl Scout Week Proclamation

**Announcements by Council**

**Priority Items by the City Manager, City Attorney and City Clerk**

**Consent Agenda**

**1. Approval of City Council Minutes**

To approve the City Council minutes for the following meeting dates: December 7, 2017 and December 21, 2017.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 12347)

**2. Cross Connection Control Follow-Up Performance Audit January 2018**

To receive and accept the Cross Connection Control Follow-Up Performance Audit dated January 2018 as presented and approved at the January 22, 2018 Audit Services Oversight Committee meeting.

(Resource Person: Germaine Brewington - 919-560-4213 ext. 14244) (PR# 12337)

**3. FY 2018 Transportation Planning Grant Project Ordinance Superseding Grant Project Ordinance #15144**

To adopt the FY 2018 Transportation Planning Grant Project Ordinance superseding Grant Project Ordinance #15144.

(Resource Person: Felix Nwoko - 919-560-4366 ext. 36424) (PR# 12338)

#### **4. Durham and Orange County Transit Plans Grant Project Ordinance**

To adopt the Durham and Orange County Transit Plans Staff Working Group Administrator Grant Project Ordinance.

(Resource Person: Felix Nwoko - 919-560-4366 ext. 36424) (PR# 12341)

#### **5. Watershed Protection Plan and Authorization to Participate in Watershed Protection Projects**

To receive a presentation regarding the Watershed Protection Plan, and Triangle Land Conservancy and Eno River Association watershed protection projects; and

To authorize the expenditure of \$90,000.00 for the Triangle Land Conservancy watershed protection project and \$59,250.00 for the Eno River Association watershed protection project with the funding to come from the City's existing Watershed Protection funds.

(Resource Person: Sydney Miller - 919-560-4381 ext. 35201) (PR# 12336)

#### **6. Bid Report for December 2017**

To receive a report on the bids that was acted upon by the City Manager during the month of December 2017.

(Resource Person: Jonathan Hawley - 919-560-4132 ext. 18225) (PR# 12335)

#### **7. FY 2017-18 Capital Improvement Project Budget Amendment – Capital Improvement Project Close Out**

To adopt an Ordinance Amending the General Capital Improvement Project (CIP) Ordinance, Fiscal Year 2018, as amended, the same being Ordinance #15131 for the purpose of closing \$12,526,453.00 in project cost;

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2018, as amended, the same being Ordinance #15131 for the purpose of adding \$150,000.00 for Mangum Street/Dillard Street new traffic signal and \$125,000.00 for Martin Luther King Jr. Blvd./Bay Point Drive new traffic signal projects using remaining funds from CIP projects that are being closed;

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2018, as amended, the same being Ordinance #15131 for the purpose of increasing the American Tobacco Trail Parking Lot by \$54,618.00 and Birchwood Park Parking Lot Upgrades projects by \$53,853.00 using impact fee funds;

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2018, as amended, the same being Ordinance #15164 for the purpose of increasing the West Ellerbee Creek Trail -Phase II project by \$75,000.00 using impact fee funds;

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2018, as amended, the same being Ordinance #15131 for the purpose of changing the project code for the IT Governance project from N0004 to N0005;

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2018, as amended, the same being Ordinance #15131 for the purpose of decreasing the 2018 General Fund Fleet Vehicles project in the amount of \$150,392.00 by removing the transfer from the Transit Operating Fund; and

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2018, as amended, the same being Ordinance #15131 for the purpose changing the revenue source for Fayetteville Street Widening (U-6021) from Street Impact Fees Zone 1 to Street Impact Fees Zone 4.

(Resource Person: Jennifer Evans - 919-560-4125 ext. 18289) (PR# 12339)

**8. Contract for Construction of Parking Lots at Birchwood Park and American Tobacco Trail**

To authorize the City Manager to execute a contract with Hine SiteWork, Inc. for Birchwood Park and American Tobacco Trail Parking lots in the amount not to exceed \$311,900.00;

To establish a contingency fund in the amount of \$31,600.00; and

To negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$343,500.00.

(Resource Person: Rod Florence - 919-560-4197 ext. 21233) (PR# 12342)

**9. South Ellerbe Stormwater Restoration Building Demolition Services Contract (SP-2017-01)**

To authorize the City Manager to execute a contract for South Ellerbe Stormwater Project Building Demolition with 4 Seasons Site and Demo, Inc. in an amount of \$330,650.00;

To establish a contingency fund in the amount of \$66,130.00; and

To authorize the City Manager to negotiate change orders provided that the total contract cost does not exceed \$396,780.00.

(Resource Person: Sandra Wilbur - 919-560-4326 ext. 30286) (PR# 12340)

**10. - 12. These items can be found on the General Business Agenda – Public Hearings.**

**13. Contract with Morris & McDaniel, Inc. to Conduct Promotional Testing, Assessment Services and Job Task Analysis**

To authorize the City Manager to execute a contract with Morris & McDaniel, Inc. for Police Promotional Testing, Assessment Services and Job Task Analysis in the amount of \$72,500.00.

(Resource Person: Kevin Cates - 919-560-4322 ext. 29205) (PR# 12352)

**14. This item can be found on the General Business Agenda.**

**General Business Agenda**

**14. Amendment to City Noise Ordinance Section 26-23**

To adopt an Ordinance Amending the City's noise ordinance to allow for sounds emanating from unamplified musical performances held at Durham Central Park between the hours of 10:00 a.m. and 8:00 p.m. as an additional exception to the ordinance.

(Resource Person: Patrick Baker - 919-560-4158 ext. 13241) (PR# 12365)

**General Business Agenda - Public Hearings**

**10. Unified Development Ordinance Text Amendment, Technical updates regarding Sedimentation and Erosion Control and State Legislation**

To conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Technical Updates Regarding Sedimentation and Erosion Control and State Legislation, and consider the following motions:

Motion #1: To Adopt the appropriate Consistency Statement as required per NCGS 160A-383; and

Motion #2: To adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 9, Landscaping and Buffering; Article 12, Infrastructure and Public Improvements; and Article 15, Enforcement.

(Resource Person: Michael Stock - 919-560-4137 ext. 28227) (PR# 12332)

**11. Unified Development Ordinance Text Amendment, Omnibus Changes 11**

To conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Omnibus Changes 11, and consider the following motions:

Motion #1: To Adopt the appropriate Consistency Statement as required per NCGS 160A-383; and

Motion #2: To adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Articles 6, District Intensity Standards; Article 7, Design Standards; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 16, Design Districts, and Article 17, Definitions.

(Resource Person: Michael Stock - 919-560-4137 ext. 28227) (PR# 12334)

**12. Unified Development Ordinance Text Amendment, Compact Neighborhood Interim Affordable Housing Bonuses**

To conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Compact Neighborhood Interim Affordable Housing Bonuses, and consider the following motions:

Motion #1: To Adopt the appropriate Consistency Statement as required per NCGS 160A-383; and

Motion #2: To adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 6, District Intensity Standards, Article 10, Parking, Article 16, Design Districts, and Article 17, Definitions.

(Resource Person: Hannah Jacobson - 919-560-4137 ext. 28247) (PR# 12333)

**Adjournment**

***RULES OF DECORUM FOR CITIZEN PARTICIPATION:***

In support of and respect for an open, fair and informed decision-making process, the City Council and the Administration recognize that:

- civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and
- un-civil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.

In an effort to preserve the intent of open government and maintain a positive environment for citizen input and Council decision-making, the following Rules of Decorum have been established.

Compliance with these rules is expected and appreciated. The Rules of Decorum will be included in the agenda and will be referenced at the beginning of each Council meeting and Council Work Session by the presiding officer. A written list of the Rules of Decorum will also be printed and mounted upon the walls of the Council Chambers and the Committee Room.

1. All citizens may participate in the public process.
2. The Mayor serves as the presiding officer of the Council; the Mayor Pro Tem serves in the Mayor's absence.
3. Citizens must sign up to address Council using procedures outlined for Council meetings and Council Work Sessions (above).
4. Citizens may speak only to the matter for which they signed up and, in the case of public hearings, those matters which have been advertised and placed on the Council meeting agenda.
5. Citizens are encouraged to prepare remarks in advance for submission to the public record. Prepared remarks should be submitted to the Clerk prior to the start of the meeting or at the end of their comments. Additional material may be submitted to supplement remarks.
6. In an effort to accommodate all who wish to address Council at a Council meeting while preserving a reasonable and efficient meeting schedule, each speaker will have a specified amount of time to deliver comments. Comments will be timed by the City Clerk or designee; signals will be provided at the one-minute and 30-second measures. Speakers are expected to cease comments immediately upon end-time.

Council Work Sessions: Citizens who sign up in advance will be allowed to speak for up to 5 minutes.

City Council Meetings: Citizens who sign up in advance will be allowed to speak for up to 5 minutes.

7. Speakers will conduct themselves in a civil and respectful manner at all times.
8. Speakers will address the presiding officer.
9. Questions to Council members or City staff will be facilitated by the presiding officer.
10. Speakers will state their name and address.
11. Speakers will make an effort to speak clearly into the microphone provided.
12. Speakers will make an effort to speak succinctly.
13. Speakers will refrain from the use of individual City staff names. It is appropriate to refer to staff by title and/or department.
14. Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
15. Speakers will refrain from making comments of a personal nature regarding others.
16. Name-calling and/or obscenity is forbidden.
17. Shouting, yelling or screaming is forbidden.
18. Council Work Session or Public Hearing attendees (audience) will refrain from commenting, shouting, booing, clapping, stomping feet or other inappropriate and/or disruptive behavior. Brief clapping is permissible at the end of a speaker's comments.
19. Council Work Session or Public Hearing attendees (audience) should refrain from private conversation during meetings.
20. Council Work Session or Public Hearing attendees (audience) should come and go as necessary from meeting space in the least disruptive manner as possible.
21. No campaign placards, banners, or signs will be permitted in the City Council Chambers or Committee Room. Other signage is permitted except signs which violate the Rules of Decorum or that block the view of other attendees.
22. Exhibits, displays, and visual aids used in connection with presentations to the City Council are permitted. Video presentations requested by citizens as visual aids may not be broadcast over cable television due to technological challenges.

#### **Notice under the Americans with Disabilities Act (ADA)**

A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice 919-560-4197, fax 560-4196, TTY 919-560-1200, or [ADA@durhamnc.gov](mailto:ADA@durhamnc.gov) (mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the event or deadline date.